

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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KENTRELL D. WELCH,

Case No. 3:22-cv-00547-ART-CSD

Plaintiff,

ORDER

v.

CORY ROWLEY, *et al.*,

Defendants.

Plaintiff Kentrell Welch brings this pro se action under 42 U.S.C. § 1983 to redress constitutional violations that he claims to have suffered while he was incarcerated at Ely State Prison. (ECF No. 4). Plaintiff has applied to proceed *in forma pauperis* in this action. (ECF No. 1). On May 31, 2023, the Court imposed a stay and ordered the parties to mediate with a court-appointed mediator. (ECF No. 3). Interested Party Nevada Department of Corrections now moves to exclude this matter from mediation, arguing that the parties recently failed to settle similar claims involving overlapping defendants in two of Plaintiff's other civil-rights actions, and Plaintiff filed a motion for sanctions against defense counsel in one of the actions when it failed to settle at the mediation conference. (ECF No. 10). Plaintiff has not filed a response to the motion.

The Court established the Inmate Early Mediation Program to save resources by referring the parties in some civil-rights actions to mediation. Given the Court's limited resources, and the fact that these parties recently engaged in unsuccessful mediation conferences about similar issues and overlapping defendants, the Court has determined that it would not be a productive use of its resources to schedule this case for a mediation conference. Additionally, based on the financial information provided, the Court finds that Plaintiff is unable to prepay the full filing fee in this matter.

For the foregoing reasons, **IT IS ORDERED** that:

1. The Motion for Relief from Early Neutral Evaluation (ECF No. 10) is **GRANTED**.

1           2.     Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is  
2     **GRANTED**. Plaintiff will not be required to pay an initial installment of the filing fee. But if  
3     this action is later dismissed or otherwise unsuccessful, the full filing fee must still be paid  
4     under 28 U.S.C. § 1915(b)(2).

5           3.     Plaintiff is permitted to maintain this action to conclusion without the  
6     necessity of prepayment of any additional fees or costs or the giving of security therefor.

7           4.     Pursuant to 28 U.S.C. § 1915, as amended by the Prison Litigation Reform  
8     Act, the Nevada Department of Corrections will forward payments from the account of  
9     **KENTRELL WELCH, #1030777** to the Clerk of the United States District Court, District  
10    of Nevada, 20% of the preceding month's deposits (in months that the account exceeds  
11    \$10) until the full \$350 filing fee has been paid for this action. The Clerk of the Court will  
12    send a copy of this order to the Finance Division of the Clerk's Office and to the attention  
13    of **Chief of Inmate Services for the Nevada Department of Corrections** at  
14    formapauperis@doc.nv.gov.

15          5.     The Clerk of the Court will electronically **SERVE** a copy of this order and a  
16    copy of Plaintiff's complaint (ECF No. 4) on the Office of the Attorney General of the State  
17    of Nevada by adding the Attorney General of the State of Nevada to the docket sheet.  
18    This does not indicate acceptance of service.

19          6.     Service must be perfected within 90 days of the entry date of this order.

20          7.     Subject to the findings of the screening order (ECF No. 3), within 21 days  
21    of the entry date of this order, the Attorney General's Office will file a notice advising the  
22    Court and Plaintiff of: (a) the names of the defendants for whom it accepts service; (b) the  
23    names of the defendants for whom it does not accept service, and (c) the names of the  
24    defendants for whom it is filing the last-known-address information under seal. As to any  
25    of the named defendants for whom the Attorney General's Office cannot accept service,  
26    the Office will file, under seal, but will not serve the inmate Plaintiff the last known  
27    address(es) of those defendant(s) for whom it has such information. If the last known  
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1 address of the defendant(s) is a post office box, the Attorney General's Office will attempt  
2 to obtain and provide the last known physical address(es).

3 8. If service cannot be accepted for any of the named defendant(s), Plaintiff  
4 will file a motion identifying the unserved defendant(s), requesting issuance of a  
5 summons, and specifying a full name and address for the defendant(s). For the  
6 defendant(s) as to which the Attorney General has not provided last-known-address  
7 information, Plaintiff will provide the full name and address for the defendant(s).

8 9. If the Attorney General accepts service of process for any named  
9 defendant(s), such defendant(s) will file and serve an answer or other response to the  
10 complaint (ECF No. 4) within 60 days from the date of this order.

11 10. Plaintiff will serve upon defendant(s) or, if an appearance has been entered  
12 by counsel, upon their attorney(s), a copy of every pleading, motion or other document  
13 submitted for consideration by the Court. If Plaintiff electronically files a document with  
14 the Court's electronic-filing system, no certificate of service is required. Fed. R. Civ. P.  
15 5(d)(1)(B); Nev. Loc. R. IC 4-1(b); Nev. Loc. R. 5-1. However, if Plaintiff mails the  
16 document to the Court, Plaintiff will include with the original document submitted for filing  
17 a certificate stating the date that a true and correct copy of the document was mailed to  
18 the defendants or their counsel. If counsel has entered a notice of appearance, Plaintiff  
19 will direct service to the individual attorney named in the notice of appearance, at the  
20 physical or electronic address stated therein. The Court may disregard any document  
21 received by a district judge or magistrate judge that has not been filed with the Clerk, and  
22 any document received by a district judge, magistrate judge, or the Clerk that fails to  
23 include a certificate showing proper service when required.

24 11. This case is no longer stayed.

25  
26 DATED THIS 27th day of July 2023.

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UNITED STATES MAGISTRATE JUDGE